

Remarks

I. The Claims

Upon entry of the foregoing amendment, claims 3-6, 8, 10-15 and 20-25 are pending in the application, with claims 3, 11-15 and 20 being the independent claims. Claims 16-19 are sought to be cancelled. Claims 21-25 are sought to be added. No new matter is added by way of these amendments. It is respectfully requested that the amendments be entered and considered.

Support for new claims 21-22 can be found, *e.g.*, on page 3, lines 8-13; page 9, lines 7-10; page 19, lines 8-15; page 20, lines 7-13; and original claim 11.

Support for new claims 23-24 can be found, *e.g.*, on page 9, lines 7-10; page 10, lines 14-15; page 21, lines 15-17 and 25-29; page 22, lines 30-31; page 35, line 7 to page 39, line 2; page 42, lines 1-25; and original claim 13.

Support for new claim 25 can be found, *e.g.*, on page 3, lines 8-13; page 4, lines 16-18; page 18, line 22 to page 20, line 13; and original claims 10, 11 and 19.

II. Withdrawn Rejections of Claims 4-6 and 8

Applicants acknowledge with appreciation the withdrawal of the rejection under 35 U.S.C. § 103 of claims 3-5, 9-15 and 20. (Office Action, page 2.)

III. Withdrawn Objection of Claim 4

Applicants acknowledge with appreciation the withdrawal of the objection of claim 4 under 37 C.F.R. § 1.75(c). (Office Action, page 2.)

IV. Claims 3-6, 8, 10-15 and 20 Are Allowable

Applicants acknowledge with appreciation the Examiner's indication that "[c]laims 3-6, 8, 10-15, 20 are directed to an allowable product." (Office Action, page 2.)

V. Rejections of Claims 16-19

Claims 16-19 were rejected under (i) 35 U.S.C. § 112, second paragraph; (ii) 35 U.S.C. § 101; and (iii) 35 U.S.C. § 112, first paragraph. Applicants respectfully disagree. However, solely

to advance prosecution and not in acquiescence to the Examiner's rejections, Applicants have cancelled claims 16-19, thereby rendering this rejection moot.

VI. New Claims 21-25 Are Patentable

The amendment hereinabove includes new claims 21-25. The previous rejections of claims 16-19 do not apply to claims 21-25. Claims 21-25 are method claims that do set forth steps involved in the process. Therefore, the rejections of claims 16-19 under 35 U.S.C. § 112 and § 101 do not apply to new claims 21-25.

With regards to the enablement rejection of claims 16-19 under 35 U.S.C. § 112, first paragraph, the Office Action states that "the specification . . . being enabling for a method of inducing an immune response by administering the vaccine vector of claim 11, or an oncolytic treatment method comprising administering the oncolytic agent of claim 13, or a method of expressing a heterologous nucleic acid by infecting a host cell with the VSV of claim 10 . . ." (Office Action, sentence bridging pages 3-4.) New claims 21-25 correspond to these methods that the Examiner has deemed enabled by the specification.

VII. Conclusion

It is not believed that extensions of time are required beyond those that may otherwise be provided for herein or in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, The United States Patent and Trademark Office is hereby authorized to charge any fee deficiency required to prevent abandonment of the current application or credit any overpayment to Deposit Account 50-1677.

Applicants believe that a full and complete Reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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